

Lancashire Local Access Forum

Tuesday, 16th July, 2019 at 10.30 am in Committee Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Please note the meeting will commence once the meeting of the Public Rights of Way Access Forum has come to a close or on the rising of this meeting.
(The meeting of the PROWAF is at 10:00am)

Agenda

No. Item

1. **Apologies for Absence**
2. **Minutes of the Meeting held on 9 April 2019** (Pages 1 - 4)
(The minutes of the above meeting are attached)
3. **Matters Arising**
4. **The Future of the Forum**
5. **Bull Hill (Holcombe Moor)**
6. **Yorkshire, Humber and North Lincolnshire Regional Access Forum Minutes** (Pages 5 - 18)
7. **Yorkshire, Humber and North Lincolnshire Response to Cut Off Date** (Pages 19 - 20)
8. **House of Lords Briefing on Historic Rights of Way** (Pages 21 - 22)
9. **Contact with Regional Forums** (Pages 23 - 24)
10. **Coastal Access Update**
11. **Redundant Gates and Stiles**
12. **Any Other Business**
13. **Date of Next Meeting**
The next meeting of the Lancashire Local Access Forum to be confirmed.

County Hall
Preston

L Sales
Director of Corporate Services

Agenda Item 2

Lancashire Local Access Forum

Minutes of the Meeting held on Tuesday, 9th April, 2019 at 10.45 am in Blackburn Town Hall, Ground Floor, Conference Room 1

Present:

Chair

J R Toon

Committee Members

County Councillor Ian Brown
County Councillor Cosima Towneley
Peter Edge
David Kelly
Mike Prescott

Officers

David Goode, Lancashire County Council
Lorraine Mellodey, Blackburn with Darwen (Capita)
Paul Withington, Blackburn with Darwen (Capita)

1. Apologies for Absence

Apologies were received from Arthur Baldwin, Paul McKeown and Keith Westley.

2. Minutes of the Meeting held on 9 January 2019

The minutes of the meeting held on 9 January 2019 were agreed as a correct record.

3. Matters Arising

Regarding the Birds of Prey in Lancashire's Upland Areas the Special Protection Areas (SPA) were not just for Bowland but outside the area as well. The Chair, Richard Toon, informed the forum that he had received a positive letter back from Defra regarding hen harriers.

On the subject of Level Crossings on the Rail Network, the Memorandum of Understanding had been published on Monday 8 April and it was non-binding.

4. Coastal Access Update

The Chair welcomed Danny Moores from Natural England to the meeting. The forum was that the coastal access situation was now a good news story as Natural England had finally heard from Defra. The prospect of a continuous path around Lancashire's coast had moved a step closer after it was announced that plans for part of the route between Silverdale and Cleveleys were to be published in August 2019. Landowners would then have eight weeks in which they could raise any objections and the public could also submit

comments. The only stretch of coastal path open in the North West ran from Allonby to Whitehaven in Cumbria.

Members were told that the 50 mile trail would be split into smaller stretches for the purposes of the consultation period in an attempt to prevent an objection to one part of it, delaying the project still further.

The proposal had to be reviewed and approved by the Secretary of State before the creating of the path could commence. This could not happen until after any objection had been heard by the Planning Inspectorate, which could hold things up for six months or more. Natural England had created a series of mini reports which could be approved in their own right and work could be started on those sections right away.

The forum was informed that plans for the next stretch of path to be created in Lancashire was due to follow in January 2020. This would run from Cleveleys, around the Fylde coast and then beyond the county's borders to Liverpool, although this could be complicated as there was a need for a new foot crossing over the River Douglas. This could be beyond the coastal footpath programme to fund and cash could be required from a third party source.

The Chair, Richard Toon, praised Natural England for the work it had done so far.

5. British Horse Society 2026

The LLAFF was informed the definitive map which documented rights of way would be frozen by the Government in 2026 and any access which existed before 1949, but had not been formally recorded, would be lost.

There was an appeal from the forum for help to track down multi-use paths which could be accessed by horseriders and cyclists, as well as walkers. These higher rights of way were thought to account for about 30% of Lancashire's 3,500 miles of public footpaths. It was noted that the right type of person was needed to look through the maps and find the necessary evidence.

About 75% of the work that needed to be done and looked at would not prove anything. The work had to be evidence based and you had to be able to prove it on the balance of probabilities.

The British Horse Society was working the Lancashire County Council's Rights of Way Team to bring a full set of maps to the region. Some others were available online. The forum was warned about the fallout from failing to identify a complete list of rights of way. The forum was informed that most of Lancashire did not currently have any volunteers researching routes.

The Lancashire Local Access Forum resolved to write to the Secretary of State for the Environment to ask to review the time limit to update the definitive map.

6. Access Land in Lancashire - Officer Responsibilities

The Lancashire Local Access Forum was informed that there was uncertainty at which set of officers looked at access areas. The forum heard that the signage and infrastructure which helped the public navigate around the countryside was in poor condition and falling apart. Much of the signage and infrastructure had been put in place over 20 years ago.

It was stated that there was only Tim Blythe, Countryside Service Manager, and one other officer to look after all the countryside sites. There was nobody to carry out the work on the access land which was open to the public. If something was reported as being dangerous then it would be looked at.

7. The Future of the Forums

A proposal was presented about reducing the Lancashire Local Access Forum and Public Rights of Way Access Forum's four meetings a year to one larger, combined annual meeting.

It was felt that the authority could not see what was being achieved by the LLAFF. There were important items on the agenda but nothing was being achieved, there were just discussions.

It was proposed that council staff could make relevant presentations at a new annual meeting based on questions submitted by forum members beforehand.

The Government legislation which established the Lancashire Local Access Forum stipulated that it must meet at least twice a year but members were told there was nothing to stop them from having informal meetings whenever they choose.

The Chair stated a decision would be made at the next meeting in July.

8. Any Other Business

There was no Any Other Business.

9. Dates of Future Meetings

It was noted that the next meeting of the Forum would be held on Tuesday 16 July 2019 at 10:30am in the Duke of Lancaster Room (former Committee Room 'C').

L Sales
Director of Corporate Services

County Hall
Preston

Agenda Item 6

YORKSHIRE, HUMBER & NORTH Lincs REGIONAL ACCESS FORUM MINUTES

LOCATION: West Room, Leeds Civic Hall, Portland Crescent, Leeds, LS1 1UR

Date: 7th March 2019 Start time: 10.30 Finish Time: 15.30

Attendees:

Mike Willison (MW)	YH & NL RAF Acting Chair	Leeds LAF
Didy Metcalf (DM)	Y & H RAF Vice Chair and Secretary	Bradford LAF
John Richardson (JR)	Chair	NYMNP A LAF
Pam Allen (PR)	Chair	Bradford LAF
John Harker (JH)	Vice Chair	Rotherham Sheffield LAF
Hazel Armstrong (HA)	Chair & Vice Chair	East Riding & Hull Joint LAF
John Illingworth (JI)	Councillor	Leeds City Council
Phil Maude (PM)	Vice Chair	Leeds LAF
Bob Buckenham (BB)	Parks & Countryside Dept.	Leeds

Apologies:

Daniel Marsh	Secretary	N Lincs LAF
Richard Alderson	Chair	N Lincs LAF
Frances Ross	Vice Chair	N Lincs LAF
Julie Swift	Secretary	Calderdale LAF
Sarah Talbot	Chair	Calderdale LAF
David Jeffels	County Councillor	NYCC LAF
Terence Howard	Chair	Sheffield LAF
Malcolm Petyt	Vice Chair	YDNPA LAF

Actions:

ITEM 4	DM	Respond to consultation
ITEM 5	DM	Report back to NE
ITEM 6	DM	Respond to letter from Bradley Burns
ITEM 10a	JR	Ask YDNPA about fencing regulations on access land
ITEM 10b	DM	Reply NWRAF
ITEM 12	JR	Ask about LAF's position re: objections

1. Introductions/Apologies

MW welcomed everyone to Leeds Civic Hall and thanked Councillor John Illingworth for offering us a permanent venue for our meetings.

2. Minutes of last meeting

Approved: subject to minor corrections.

3. Matters Arising

None

4. Defra Consultation: Conservation Covenants

MW introduced this consultation which proposes to introduce 'Conservation Covenants' into English Law. Under these, landowners and managers would be able to enter into agreements with public bodies and charities to manage land in ways that include public benefits, (including access agreements). Although these are complicated legal questions, we thought we should attempt to understand what is being proposed, in case we have a contribution to make. The period for responses closes on March 22. We discussed the following points:

Whether they are necessary

JH in terms of the example given about benefitting mountaineers: we already have open access. He thought it replicated the dedication process which is already available to any philanthropic landowner and is sceptical about the 'in perpetuity' aspect.

JR agreed: other mechanisms to dedicate are in place and he failed to see how future owners can be forced to comply.

HA liked the idea of being able to hand land over to Wildlife Trusts that could be used to create habitat for rare bird and invertebrate populations. But she noted that although the covenants will be made in good faith, they can be overturned.

JI said that there is public demand for permanency.

BB Thought conservation covenant should be encouraged wherever possible. He stressed that Leeds CC tries hard to safeguard their holding of public spaces. But there is also a commercial side, eg: providing parking and cafes.

PM thought that if a landowner wants to provide conservation initiatives, it is desirable that it should be in perpetuity. It is clear from the information provided that covenants are used successfully in other countries. Any measure making that easier should be encouraged.

How they could be used

PM could see possible advantages in the case of s 106 agreements where there is no development, as LAs are not obliged to implement any of the agreed access improvements. There are also cases where creating access land may involve cost. Logic flows that this is more achievable where there is an incentive for the land owner. A desire to produce positive outcomes on a voluntary basis needs to benefit both parties and tax reduction could be an incentive. He suggested we could send a letter highlighting where this might be a useful protective regime.

HA said in terms of public access she would like to see higher rights promoted where possible - not just access on foot. Previous schemes have suffered from the lack of permanency, which has hindered the inclusion of higher rights. These often require built infrastructure for which costs are incurred - Conservation Covenants could help to meet this need.

Whether the proposals had sufficient safeguards

HA stressed the need for transparency and any agreed public benefits must be clearly set out. She reminded us of Jerry Pearlman's concerns about the inheritance tax breaks for landowners given in lieu of public access. Although lists of owners and their affected land are publicly available, he had not been able to find out the precise nature of the access involved: therefore there is no way of knowing if landowners are complying. We would need to know what level of access was being signed up to.

PM suggested they could be recorded on the Local Land Charges Register.

BB said that it would not be costly to keep an online register like those kept of public rights of way and the inheritance tax.

PA noted that the advisory document provided protection against the 'dead hand of control' perhaps acting as a safeguard against grasping children

PM agreed but it does also allow for changing circumstances.

Whether tenants should be required to secure the agreement of the freeholder before entering into a covenant

Jl there should be discussion with the owner – the agreement should not bind the lease.

BB agreed there should be agreement with the freeholder

PM said perhaps that is not essential in the case of a 999 year lease.

Resolved: it was agreed that we would respond to the consultation along the lines set at above:

- We agree the covenants could provide a helpful tool to simplify the making of more permanent agreements between landowners/managers and public bodies and charities.
- They should encourage the dedication of higher rights.
- They must be transparent and the public must have access to a register containing the detail of the agreements.
- Tenants should consult the freeholder before entering into an agreement.

5. Natural England (NE): discussion on topics suggested by Andrew Mackintosh

Andrew Mackintosh, (Senior Specialist, Public Access, Recreation & RoW) sent us an email explaining that there is little to report as Brexit issues are dominating NE's workload. However, there remain ongoing policies to be implemented about which NE would welcome feedback from LAFs.

The 2026 Cut-off-date

NB: we received comments via email from Terry Howard (TH) Sheffield, and Rachel Connolly (RC) NYCC) which are included below.

General Points

HA felt there had not been enough publicity. Public awareness was low considering the importance of this issue. Government's approach has been unsupportive: between 2000 and 2010, parish and county councils had waited for guidance on how to proceed. This was followed by damaging austerity cuts and now Brexit.

As well as abolishing the common law maxim of '*once a highway always a highway*' in ERCC & NL there is the issue of the width of roads which has not been addressed at all.

PA agreed that there is very little public awareness in Bradford, which has a large area covering the old borough for which no formal map exists.

DM added that Bradford is said to have the highest density of privately maintained streets in the country. Public rights are believed to exist over them but the extent is unclear and open to varying interpretations. She is concerned that no adequate strategy appears to have been developed to preserve rights over them.

Other routes with public access (ORPAs)

HA suggested it would be sensible to first develop a policy to resolve the issue of ORPAs. These are shown on OS maps by green dotted lines. Some members from urban areas were not so familiar with these routes; often referred to as Unclassified County Roads (UCRs). Despite being recorded on the highway authorities' lists of streets as publicly maintainable

highways, doubt is now being cast on their status. Many authorities are proposing to add them to their rights of way network.

Her main points: in some areas this is already adding to the backlogs, and in others, it will certainly do so in future. The approach calls their status into question and incurs needless public expense. Primary legislation is needed to sort out the green dots on OS maps to make it clear they can be used by all non-motorised users.

PM agreed that it is unhelpful and pointless to have dots on maps with no certainty as to how or by whom they can be used. He suggested there should be a six month notice period, anticipating a fixed date on which they will be automatically added to definitive maps at a status to be decided. There should be an opportunity to object to that the status providing it is supported by cogent evidence.

PA suggested there might be some blanket solution along the lines of the Scottish model.

DM stressed the importance of these routes which are among the oldest in the country, often pre-dating the 1835 Highways Act when the list of public highways was created. She asked JR if the suggestion would cause problems for motorised users.

JR thought that it should not cause a problem, providing motorised vehicular rights were not extinguished by any measure taken.

a) Do you have local responses or solutions to the problems raised by the cut-off date?

ERCC & H JLAF: HA told us that in 1996 the council had started from a disadvantaged position, having an incomplete and inaccurate record of their rights of way. To help address the problem, the Joint LAF requested ERCC provide a spread showing modification orders processed between 1996 – 2000 (pre-CROW ACT), and 2000 -2012 (post-CROW Act). The JLAF is now provided with quarterly updates on the progress of orders and respond to every rights of way issue.

North Lincolnshire LAF: HA said the LAF has been instrumental in ensuring a proactive approach.

Bradford LAF: PA felt the council is struggling and not taking it seriously enough. In 2015 LAF suggested involving parish councils in parish by parish research projects, along the lines of the Devon County Council model which is producing actual results. We had given a presentation to a meeting of parish council representatives, (who were unaware of the cut-off-date), but there has been not really been support from the PRow Department. Instead they announced they are trialling two pilot models of their own, but we have not had a progress report since.

DM added that she believes that it is too big a task for ROW departments alone and may not produce the best results. There should be a funded concerted effort; led by the council but including input from parish councils and user groups.

Sheffield LAF: TH2 wrote we remain very concerned with the delay which is affecting some researchers who make subsequent claims. One researcher who contacted a landowner with her claim was intimidated and threats were made. How many others would feel the same?

b) How are your areas addressing backlogs (or not)?

ERCC & H JLAF: HA over the last five years the Definitive Map Team have made a total of 81 Public Path and Modification Orders adding over 29 kilometres (18.02 miles) of Public Rights of Way to the network. Despite this progress there is still a backlog of around 200 hundred claims to be processed.

NLCC: HA said that the backlog is growing and thought there are around 200 claims but no applications have been made.

YDNPA & NYMNPA: JR reported that the two National Parks have handed back responsibility for PRoW to NYCC, which now has a huge backlog. The NYMNPA LAF had surveyed 8 specific routes and lodged the information with NYCC but nothing has happened as a result.

NYCC: RC wrote that the RoW department has a priority system for dealing with the backlog of DMMOs which is not related to 2026. Cases with good supporting evidence tend to be favoured.

Rotherham: JH reported that he is doing research but feels alone in that. The relationship between the councils and the LAFs is not functioning properly, so they do not know the real extent of the problem. Although they have tried, it has proved impossible to persuade volunteers to actually submit claims.

Sheffield: TH wrote we are not facing a backlog yet.

c) Would LAFs like to see the cut-off postponed, or got rid of?

ERCC & H & NLCC: HA both LAFs would like to get rid of the cut-off-date.

Bradford LAF: PA yes we would like to get rid of it.

NYMNPA & YDNPA: JR there should be no cut-off-date. There is too much to do in a short time.

Rotherham: JH the cut-off-date should be cancelled.

Sheffield: TH we strongly felt that the cut-of-date of 2026 be "got rid of" (or the cut-off date be postponed indefinitely). The reason being initially the work was to be undertaken by

Universities and professional researchers but then quickly left to volunteers to do themselves.

Leeds: PM and MW both made the point that delay will be just kicking the can down the road. It removes the incentive to get on with correcting the definitive maps which is unsatisfactory for both users and landowners.

PM said that 20 years user evidence can still be used to claim routes after the cut-off-date.

DM agreed that user evidence will still be a useful tool for walkers, but that routes for horse riders and carriage drivers are more easily obstructed. Some have already been blocked for many years and proving that routes carry higher rights is more difficult. In such cases historical documentary evidence can play a vital part in establishing the correct status.

NYCC: RC wrote, our LAF would welcome the prolonging the cut-off-date or getting rid of it altogether as the group is entirely comprised of users. Horse riders would be the most adversely affected. We acknowledge that landowners may feel differently.

d) Traffic Regulation Orders (TROs)

Background: Last year the House of Lords Select Committee on the NERC Act 2006, made the recommendation on TROs (below). Members were asked for their opinion on this.

“The Government should take steps to simplify the process for—and thus reduce the costs of—establishing Traffic Regulation Orders, with the aim of securing better value, greater flexibility and applicability in the use of TROs to manage problems resulting from ‘green-laning’. This might include provision for more selective closures, reduction in bureaucracy in the application process and reduced, updated, advertising requirements”

ERCCC & H: HA said that a strategy for managing and protecting Byways Open to All Traffic was approved by cabinet in 2014. However, this has been difficult to implement as there is a serious problem with commercial tour companies importing people from abroad. They ignore the rules and use the tracks during winter, destroying local efforts to protect them. The previous year, JR had been invited to help in pilot areas: with the agreement of users, TROs had been used during the winter months when the tracks are most vulnerable. There were positive results, but the foreign tourists returned during wet conditions, churned up the tracks and everything was undone.

The police have been asked for help but they cannot cope. This year with the agreement of landowners and users, concrete blocks have been installed and so far this is proving effective. She thought that simplifying the process so that temporary TROs can be imposed with the cooperation of legitimate user representatives would help. Permanent TROs should be used only as a last resort.

Leeds: BB reported that some permanent TROs had been made in Leeds. He agreed that simplifying the process would be helpful.

Bradford: PA said she has recently been consulted about 4X4 damage to Baildon Moor which is an urban common. This is a recurring problem for Bradford and taking the vehicles and crushing them has proved an effective deterrent.

HA advised that this remedy cannot be used on a first offence. PA said that they had installed warning notices to get round the problem but they were all removed.

Sheffield: TH wrote the LAF is not particularly bothered by the TRO issue as there are hardly any green lanes; these are more common in the neighbouring Peak District.

NYCC: RC wrote we have a problem with green laning. All user groups have their cowboys which cause problems for the responsible ones, but the 4X4 group cause the majority of grief. NYCC has approved a protocol but this has not yet been passed by Executive Committee.

LUNCH

6. Y H & NL RAF

a) Chair for next meeting

JR agreed to chair the next meeting

b) Secretary for next meeting

MW kindly agreed to act as secretary as Didy will be absent.

c) RAF Boundary

MW reported that TH had sent an email saying that the Leeds venue made it less of an issue for Sheffield LAF, so we would drop this discussion for the time being.

7. Progress on Agriculture Bill 2018

Lobbying:

MW had written to all the Leeds MPs. He had a positive response from Hilary Benn MP, who forwarded our letter to the Minister, Lord Gardiner. Alex Sobel, MP, said he would table a Written Question. However, MW has not been able to locate such a question on the government website.

DM reported that she had received a response to her letter to Michael Gove from Bradley Burns, a Ministerial contact at Defra. In the last paragraph, he states that rights of way are a matter for highway authorities and referred us to our ROWIPS, which he kindly went on to explain.

MW said he too had received a letter from Defra with the same wording, Members agreed this demonstrated a condescending and ill-informed attitude which just isn't good enough.

DM said she would reply to Mr Burns' letter, drawing his attention to the fact that he had completely missed the point, and is out of touch with the current poor delivery performance of ROWIPs. As ROWIPs are a Defra creation it must bear some responsibility.

She had also sent our letter to Michael Gove to all the YH & NL MPs. As expected, many resulted in automatic responses, but Julian Sturdy, York Outer, Craig Whittaker, Calderdale, Rishi Sunak, Richmond and Sir Greg Knight, East Yorkshire, all expressed interest and would be open to follow up comments from their constituents.

PA has also contacted Philip Davies MP, Shipley, who said he would take the matter up with the Minister.

Report Stage:

<https://services.parliament.uk/Bills/2017-19/agriculture/documents.html>

MW said that the Bill has reached the Report Stage although no date has been set. So far, two amendments relating to access and recreation as public goods have been tabled. These are:

1) Caroline Lucas, Dr, Sarah Wollaston, Alex Cunningham, Tim Farron & Angela Smith, **Clause 1. Page 2. Line 1** – Leave out “supporting” and insert “enhancing”.

Members' explanatory statement

“This amendment would have the effect of ensuring that financial assistance could be provided to improve the accessibility of existing public rights of way. It would also ensure that assistance could be provided for the creation of new public access opportunities where these are most needed.”

2) Angela Smith, Alex Cunningham, & Kerry McCarthy

Clause 2. Page 2. Line 29 - “(2A) the conditions will include obligations to meet any regulatory standards specified by the Secretary of State relating to environmental and land management practices.

Members' explanatory statement

“This amendment would enshrine the Government's commitment to a strong regulatory baseline in the legislation. It would ensure that compliance with existing legislation and regulations is a condition in receiving financial assistance, including compliance with landowner or occupier obligations for public rights of way under the Highway Act 1980”.

HA offered to contact her MP to flag up the importance of supporting the amendments.

DM will let her have a copy of our letter to Michael Gove so she has the full picture.

8. Rail issues:

a) Transpennine Route

MW said that Network Rail (NR) crossing closures are having an effect in the Leeds area.

BB described problems at the Micklefield level crossing, which was one among a number of the longer but feasible proposed diversions. Accepting change is more or less inevitable, and the council is accentuating the positive in trying to provide a safe alternative for all bridleway users.

MW said that a crossing giving access to allotments in Garforth has been closed but NR's wording of the alternative route in the temporary TRO was not clear and precise. This occurred before the LAF had a chance to comment on it and now all they are able to do is draw NR's attention to correct process they should be using. NR have now applied to extinguish the crossing and to create a new path which will give users access to the network and provide safer access to the allotments.

HA flagged up a problem at Gilberdyke where a diversion onto an old, narrow bridge nearby has been proposed. The LAF has suggested a new bridge but have had no response.

b) HS2 - Members of the HS2 sub-committee to report

MW reported that Leeds had 2 meetings to respond to the detailed plans, with HS2 staff attending the November meeting. On one particular part of the route, they were not impressed with what they saw. It is proposed to make a 150 metre wide cutting, 24 metres deep, in order for the route to tunnel under the Leeds Hull Line near Garforth, requiring a bridge to take the Leeds Country Way on Bridleway 125 over the cutting. HS2 explained there would be further consultation on this and other parts of the route where there are technical issues. (Note added after meeting: The further consultation will take place over the summer.)

JR agreed there are major issues with the original plan but HS2 gives the impression that it will go ahead whatever and it is difficult to see what more can be done.

9. ROWIPs - Report from constituent LAFS update

Bradford: PA said the ROWIP expired in 2017. There are things wrong with it which have not been corrected.

NYMNPA: JR said that people have been reporting information to NYCC but have had no response.

Sheffield: JH the ROWIP expired in 2017.

Rotherham: JH said it has been updated and gone in to the system to be signed off but no news from Cabinet as yet.

Leeds: BB said we treat it as an aspirational document, which we use an objective and seek opportunities to improve it where possible. The review is now 2 years out of date but it will be reviewed when time allows.

East Riding: HA, we have adopted a rolling ROWIP which is updated as and when necessary and reworded part of it. As the LAF cannot bid for funding we set up a 'Friends' of the LAF group, which allowed us to obtain Lottery money for improvements to a disused quarry. After we had spent the money on improvements we were able to hand it to the local authority.

PM pointed out that there may be a pitfall associated with this process if the value is improved. HA said that the land in this case had very little value and that problem didn't seem to have arisen.

HA said the Council consulted the LAF on the updating of the online mapping of its Walking and Riding website, which now uses the OS base map. This can be updated on a regularly basis, although the legal record is still the original paper copy.

PA commented that sounded sensible and that Bradford had digitised its mapping and consulted afterwards.

10. Reports: from constituent LAFs including contact with MPs

a) From constituent LAFs including contact with MPs

NYMNPA & YDNPA: JR one of our ROW officers has recently retired and we now have a very good replacement. We also recently discovered that we have no terms of reference for our LAF. We are in the process of drafting some and expect to finalise this at our next meeting. There is nothing to report from YDNPA LAF as our last meeting in February was cancelled.

PM asked JR if the LAF had a view on new fencing topped with barbed wire that has appeared on the high moors. Land designated as right to roam access is affected, and there is no way of knowing the direction of the nearest crossing point or how far it was. He asked if there is an obligation to provide stiles.

JR said that some temporary fences are approved for management reasons. They are only authorised to be in place for a limited time and then removed. To the best of his knowledge barbed wire was not approved under these schemes and he thought crossing points were

included in the specifications. This was not something he had heard about, but he would look into it and report back.

PA told us that recent experience riding across reservation land in Canada; this problem is solved by placing narrow sections of fence that can be unhooked and then re-hung at regular intervals.

NLCC: HA told us that a circular walk around Scunthorpe called the Iron Stone Walk is now open, and is most enjoyable (details available online). The Council is now working on an outer circuit which will include higher rights but this more difficult to achieve. The planned Ancholme Valley Way, (a walking and cycling route), from Brigg to South Ferriby, is not yet complete as there are ongoing problems gaining agreement from land owners. A compulsory purchase order is being considered using a bequest from a member of the Ramblers.

We have also been asked to comment on the Welwyn flood prevention scheme. The outcome of this is more or less inevitable but we may be able to gain 5 mile a stretch of new bridleway through it.

ERCC & H: HA said LAF members had been threatened with costs following an objection it had lodged, (see Item 12). They had been consulted on planning for the Beverley Southern Relief Road which provided for bridleways and cycleways along both sides, however, there is a conflict with the positioning of the drains. A new 'dumbbell' roundabout proposed at the Jacks Lodge Interchange is a massive road scheme where there is a possibility that two accommodation bridges could be used for bridleway links.

A subgroup has been formed to address the issue of dangerous crossings. The Wolds Way is now stile free; this is part of a wider campaign to get rid of stiles throughout the whole county.

Coastal Path – Easington to Filey Brigg: somebody has challenged the planning of the whole route. They claim that the environmental impact assessment is not robust enough and the width of spreading room is too narrow. The whole route is going to a public inquiry, which could result in the open Seton section being retrospectively closed.

Leeds: PM much time has been taken up by footpath diversions and HS 2. We have considered flood alleviation schemes including a plan to introduce footpaths along the banks of the River Aire.

There is a Definitive Map for the centre of Leeds; however it is not fully reviewed yet. Most paths in the former excluded area have been added as a result of Legal Events (Diversions and Creations) etc occurring under other legislation and these have added by the making of Legal Event Modification Orders.

PA said there is a similar situation in central Bradford, where they have tried posting notices onsite.

MW added that there is additional confusion surrounding the status of the numerous Leeds ginnels. Some are on the definitive map, while others are metalled and lit, and recorded on the List of Streets as privately maintained roads.

HA agreed, both York and Hull have snickleways not recorded on the map.

MW said they were continuing to consider various Neighbourhood Plans, which he felt provide good opportunities to enhance and strengthen the PRow network. They had also considered 3 options for the Airport Access road and an airport railway station had been put forward on the Harrogate side of Horsforth Station, together with an associated link road. As yet no formal choice had been made for the access road, which could include a greenway for all users by creating an outer unsurfaced path and an inner one that is lit and surfaced. In any event the access road will be built first.

Bradford: PA reported that the last two meetings have been cancelled. She has tried to encourage dates to be published well in advance so that people can diary them in, but this seems to have been ignored.

b) Update on minutes from other regions.

An email update from the North West Regional Access Forum (NWRAF) was circulated. Attached was a paper from the chair of Cheshire East, Bob Anderson, suggesting that Regional Access Forums develop their own communication network. The withdrawal of support from NE has made it more difficult to respond to national issues promptly, and RAFs could take the initiative by developing an email system between Chairs, so that common issues can be flagged up and information shared.

Members thought this a good suggestion. The fact that our chair currently rotates around the Chairs of constituent LAFs is a bit of a drawback.

DM said she would reply to the NWRAF, approving the suggestion. Although actual meetings would present a problem for our Chairs, she is happy to assist in promoting a system of information sharing.

11. Items for next agenda:

JR asked about progress on inviting the Yorkshire Wildlife Trust to speak at our next meeting.

MW said we are still pursuing that option. There is also a possibility that a representative from the Northern Forest may agree to speak.

HA suggested that the Environment Agency might agree to talk to us about the setbacks facing the Coastal Path.

12. AOB Date and location of next meeting.

AOB:

Jerry Pearlman Celebration Walk - MW drew our attention to the walk organised by the Ramblers to celebrate Jerry's enormous contribution to public access. This will be held on 20th July 2019, all are welcome – details below.

Jerry Pearlman - please note this invitation to a celebration of his life and work

We are helping to organise a celebration of the life of [Jerry Pearlman](#), our former vice-president and honorary solicitor who died last March. The event will be in the afternoon of Saturday 20 July, in Jerry's beloved Yorkshire Dales. We anticipate that we will have a walk around Semer Water in Wensleydale, followed by tea and speeches at the Yorkshire Dales National Park headquarters in Bainbridge. There will be an opportunity to share memories of Jerry and his immense contribution to the Ramblers and other organisations. Everyone is welcome to attend. Further details of the event and how to sign up will follow - but please do save the date in your diary for now. If you have any questions, please email Jerry's daughter, Debbie Hougie on debbie@hougie.co.uk.

LAFs right to object: PM said that, in the light of HA's earlier account of a legal challenge to her LAF's objection where they had been threatened with costs: he wondered, if other LAFs had had similar experiences and what guidance is in place. It needs clarification: Leeds LAF has objected to a stopping up order. It would clearly undermine its position if that could be challenged.

MW said he knew of a similar situation in Nottingham, where the LAF objected to an extinguishing order made by the council. We need to know: preventing someone from objecting results in inevitable outcome of the public losing its voice.

JR said he will seek opinions from the National Parks, which we can consider at our next meeting.

Date of next meeting

Thursday 19th September 2019 10.00am to 15.00pm

Location of next meeting

West Room, Leeds Civic Hall, Portland Crescent, Leeds, LS1 1UR

THE YORKSHIRE, HUMBER AND NORTH LINCOLNSHIRE REGIONAL ACCESS FORUM

Representing the constituent Local Access Forums of:

Barnsley, Bradford, Calderdale, Doncaster, East Riding and Humber, Leeds, North Lincolnshire, North Yorkshire, North York Moors, Rotherham, Sheffield, Wakefield and Yorkshire Dales

Response to an invitation from Natural England (NE) to comment on the implementation of the 2026 “Cut-off-Date”

6 Chairs were present at the meeting on 7th March 2019 and 2 further LAF Chairs sent email responses.

Would LAFs like to see the cut-off-date postponed or got rid of?

7 LAFs agreed that the cut-off-date should be postponed or abandoned.

1 LAF thought postponing or abandoning the cut-off-date, would remove the incentive to get on with correcting the Definitive Map, which is unsatisfactory for both users and landowners.

Reasons for abandoning or postponing the cut-off-date:

Members expressed general dissatisfaction and disappointment at the way successive Governments have handled this:

- *Lack of public awareness:* this is very low considering the importance of the issue. Abolishing the common law maxim ‘*once a highway always a highway*’ is hugely significant, but many parish councillors still do not even know what the cut-off-date is.
- *Too little time:* in 2000 when the cut-off-date was introduced into law, there was time for government to develop and roll out a fair and consistent approach, but successive governments have failed to do so.
- *Lack of funding:* in 2000, funding was allocated to help councils meeting cut-off-date: this was used instead to cover the overspend on delivering Open Access. Since 2010, the austerity cuts have severely reduced the staffing levels in rights of way departments and their ability to process claims.

The scale of the challenge facing our councils is such that they will simply be overwhelmed by the task of meeting the cut-of-date deadline, unless a properly organised strategy is put in place. Some of the more pressing problems that should be, but are not being addressed are set out below:

- *Other Routes with Public Access (ORPAsⁱ)*: it is pointless and unhelpful to have routes on maps purporting to be public, without certainty as to how or by whom they can be used. Many authorities are attempting transfer them to their record of public rights of way; calling their status into question, adding to their backlogs and incurring needless expense.
- *Metropolitan districts*: former boroughs have central areas for which no legally binding Definitive Map exists.
- *Privately maintainable streets*: present a problem as public rights are believed to exist over them but the extent is unclear and open to varying interpretations.
- *Backlogs of claims*: many of our members reported large backlogs of unprocessed claims. Councils are already struggling to make any reductions in these.
- *Voluntary researchers*: efforts have been made by LAFs to attract and train volunteers to carry out historical research, but this does not seem to be resulting in an increase in the number of formal applications of claims anticipated.

Members concluded that accurate and fair recording of historical public rights of way requires political leadership, and funding, but there are no assurances that those will be forthcoming.

Didy Metcalf

Vice Chair and Secretary, Y H & NL RAF

ⁱ Highways maintainable at the public expense recorded on Local Authorities List of Streets, often referred to as Unclassified County Roads in rural areas. They are depicted on Ordnance Survey Maps by green pecked lines with diamonds.

Historic Rights of Way

QSD on 2 April 2019

This briefing identifies relevant reports and useful documents, including recent parliamentary materials and press articles, which may be of assistance to Members in preparing for the following debate:

Lord Greaves to ask Her Majesty's Government what assessment they have made of the progress that has been made in the registration of historic rights of way and of the benefits of extending the cut-off date for their registration.

Copies of the materials are available for collection from the Library.

Key Information

- Department for Environment, Food and Rural Affairs, '[New Plans to Simplify Recording Rights of Way](#)', 14 May 2012

Press release outlining how the public can record footpaths and bridleways ahead of the cut-off date on 1 January 2026. The press release notes that all unrecorded footpaths and bridleways created before 1949 cannot be recorded after this date.

- Natural England, [A Guide to Definitive Maps and Changes to Public Rights of Way: 2008 Revision](#), July 2008

Guidance providing information on public rights of way, definitive maps—which are the legal record of public rights of way—and the cut-off date for recording rights of way.

- Natural England, [Stepping Forward: The Stakeholder Working Group on Unrecorded Public Rights of Way—Report to Natural England](#), March 2010, pp 6–11

Executive summary and recommendations from a report commissioned by Natural England examining unreported public rights of way in England. One of the aims of the report was to deliver “greater certainty” about where pre-1949 rights of way existed, which could protect them from extinguishment.

Parliamentary Debate, Statements and Questions

- House of Lords, '[Written Question: Rights of Way](#)', 27 January 2015, HL4235
- House of Lords, '[Written Question: Environment—Rights of Way](#)', 11 February 2014, HL5227
- House of Lords, '[Written Question: Rights of Way](#)', 20 March 2013, HL5846
- House of Lords, '[Written Question: Rights of Way](#)', 23 November 2011, 82379
- [Debate on 'Rights of Way: Maps'](#), HL *Hansard*, 14 May 2008, cols 1077–87

Press Articles and Comment

- Jerome Starkey, '[Time Running Out to Save Lost Walks](#)', *Times* (£), 15 January 2019
- Kevin Rushby, '[Memory Lanes: The Ramblers Trying to Save 10,000 Lost Footpaths](#)', *Guardian*, 4 December 2018
- Mark Rowe, '[Britain's Footpaths: Why Are So Many Disappearing and How to Save a Footpath](#)', *Countryfile Magazine*, 1 May 2018
- Rozina Sabur, '[Councils Spending Hundreds of Thousands of Pounds as Walkers Rush to Record Rights of Way](#)', *Telegraph*, 10 September 2017
- Caroline Davies, '[Countdown Begins to Prevent Loss of Thousands of Footpaths and Alleyways](#)', *Guardian*, 25 December 2015

Further Information

- Gov.uk, '[Rights of Way and Accessing Land](#)', accessed 21 March 2019
- Open Spaces Society, '[Claiming a Public Footpath](#)', accessed 21 March 2019
- Natural England, '[Public Rights of Way: Local Highway Authority Responsibilities](#)', updated 7 December 2015
- House of Commons Library, '[Establishing a Right of Way](#)', 6 July 2011

House of Lords Library briefings provide a selection of politically balanced reading material intended to help Members prepare for debates. Briefings are published on the Library's [parliamentary intranet site](#) in advance of debates, and are also automatically emailed to those Members who have their name on the speakers' list.

Please respect the copyright of the owners of the documents cited. The Library is not responsible for either the views or the accuracy of external content. Any comments on Library briefings should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to purvism@parliament.uk.

Agenda Item 9

East Midlands Regional Access Forum

We discussed your message at our East Midlands Regional LAF Chairs meeting today, along with your RAF terms of reference, an item deferred from our previous meeting last October, and which we were interested to know about even though our general feeling is that we do not need any similar document.

By getting volunteers to act as Secretary and Chair of our 'ad hoc' meetings (we do not formally regard them as a 'Regional Forum') we have managed to keep going for the last few years, despite the phasing out of Natural England support, and have continued to meet twice a year, in Nottingham, encouraged by the excellent support we continue to get from John Lee at Nottingham City Council.

The main comment today on your message, however, was that it was very important to get somebody along to our meetings from Natural England, rather than just a brief message and apologies for absence as we again had today.

I am copying this message to John Law from South Lincolnshire and Rutland LAF who continues to act as Secretary, and to John Thomson, the new Chair of the Peak District LAF, who today kindly offered to take over from myself in chairing our next meeting, due to take place next March. I am also copying it to John Lee, to Ruth Thurgood who took over from me in January as Chair of the Nottingham LAF, and also to Katie France my fellow Vice-Chair.

Best wishes
Hugh McClintock
Vice-Chair, Nottingham LAF.

East Midlands Regional Access Forum Contacts

Initial contact – Former RAF Chair & Vice Chair Nottingham LAF - Hugh McClintock

hugh.mcclintock@ntlworld.com

Now: RAF Chair - John Thompson – Chair Peak District LAF johnthom86015@gmail.com

Secretary – John Law, South Lincolnshire and Rutland LAF - johnthom86015@gmail.com

Support - Nottingham City Council – John Lee - john.lee@nottinghamcity.gov.uk

Ruth Thurgood, Chair Nottingham LAF - ruth.thurgood@btinternet.com

Vice Chairs Nottingham LAF Hugh McClintock hugh.mcclintock@ntlworld.com

Katie France - katie.s.france@outlook.com

North East Regional Access Forum Contacts

Good morning Didy,

Good to hear from you, I hope all is well.

At first when NE withdrew funding for Regional Co-ordinator (my role) and then their support altogether across the north east we (at Tees Valley) were very disappointed and wrote directly to our NE north east Regional Manager to let him know exactly how we felt. At the time he protested and said they would still work together with us on projects of shared interest.

The Regional Group is still running, at present meeting twice a year. The next meeting is this Thursday at County Hall Durham and the agenda items reflect the work we are all involved with; as you would expect this includes updates on Heritage Lottery Funded partnerships, and LNP work. I know the LAF Chairs want to compare notes about how the Combined Authorities are working and their views on access in particular. There is no funding for these meetings, colleagues are simply making do.

There is life after Natural England! As you probably are aware, there has been no request for an Annual Review and nor have they published the last National Review for 2015-16. I'll know more after this week's meeting about the north east Regional LAF plans and direction, and I can keep you posted.

Best wishes
Beryl

North East Regional Access Forum Contacts

Initial contact failed - Marion Hume Corporate Support Officer JLAF Administrator, Northumberland National Park. Marion.Hume@unpa.org.uk

Now:

Beryl Bird, Hartlepool Borough Council – Formally Regional Coordinator - continuing to help out.
Beryl.Bird@hartlepool.gov.uk

Other Contacts:

NW Regional LAF

Kathy Miles –Coordinator Cumbria - katharina.miles@gmail.com

West Midlands Regional Access Forum

Shona Butter – Coordinator - shona.butter@shropshire.gov.uk